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RUSSELL COUNTY

NPF To 24

457-2331

SUMMONS

CV 2005 000420.00
ALBERT L. JOHNSONIN THE CIRCUIT COURT OF RUSSELL
COUNTY
DENISE BYRD VS MCKENZIE TANK LINES INC ET AL

SERVE ON: (D001)

MCKENZIE TANK LINES INC
8 DAWSON MCGOUGH, REG ACT
631 DIAZ STREET
MOBILE, AL 36600-0000

PLAINTIFF'S ATTORNEY

DAY W CHARLES JR
233 12TH ST., SUITE 100A
POST OFFICE BOX 1437
COLUMBUS, GA 31907-0000

TO THE ABOVE NAMED DEFENDANT:

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO MAIL OR HAND DELIVER A COPY OF A WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT TO THE PLAINTIFF'S ATTORNEY(S) SHOWN ABOVE OR ATTACHED.

THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGEMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT. YOU MUST ALSO FILE THE ORIGINAL OF YOUR ANSWER WITH THE COURT BELOW.

- TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY EITHER RULES 4.1(B)(2) OR 4.2(B)(2) OR 4.4(B)(2) OF THE ALABAMA RULES OF CIVIL PROCEDURE; YOU ARE HEREBY COMMANDED TO SERVE THIS SUMMONS AND A COPY OF THE COMPLAINT IN THIS ACTION UPON DEFENDANT.
- THIS SERVICE BY CERTIFIED MAIL OF THIS SUMMONS IS INITIATED UPON THE WRITTEN REQUEST OF _____ PURSUANT TO RULE 4.1(C) OF THE ALABAMA RULES OF CIVIL PROCEDURE.

DATE: 11/02/2005

CLERK: KATHY COULTER
PO BOX 518
PHENIX CITY, AL 36868-0516
(334) 298-0516BY: 

RETURN ON SERVICE:

CERTIFIED MAIL RETURN RECEIPT IN THIS OFFICE ON (DATE) _____
RECEIPT HERETO ATTACHED

I CERTIFY THAT I PERSONALLY DELIVERED A COPY OF THE SUMMONS AND COMPLAINT TO _____

IN _____ COUNTY, ALABAMA ON (DATE) _____

DATE _____ SERVER SIGNATURE _____

SERVER ADDRESS _____ TYPE OF PROCESS SERVER _____

OPERATOR: ANL
PREPARED: 11/02/2005

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

DENISE BYRD

* CIVIL ACTION FILED

COPY/SERVE

CV-05-420

Plaintiff,

vs.

MCKENZIE TANK LINES, INC. and
ALTON JAMES DUPUIS

Defendants,

COMPLAINT FOR DAMAGES

COMES NOW DENISE BYRD, Plaintiff in the above-styled action and states,

this complaint as follows:

1.

The Defendant, MCKENZIE TANK LINES, (hereinafter referred to as "Defendant Corporation") is a Florida Corporation qualified to do business in Alabama. Defendant Corporation is subject to the jurisdiction of this court. The Defendant Corporation may be served by delivering a copy of the Summons and Complaint to its Registered Agent, Dawson McGough at 631 Diaz Street, Mobile Alabama.

2.

On or about November 4, 2003, Defendant Corporation through Defendant, ALTON JAMES DUPUIS, (hereinafter referred to as "Defendant Driver", Defendant Corporation and Defendant Driver hereinafter referred to collectively as "Defendants"), was operating a tractor trailer in a reckless and negligent manner in the State of Alabama. The Defendant Driver is subject to the jurisdiction of this court. The Defendant Driver

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CIRCUIT / DIST. COURT
RUSSELL CO., AL

FILED IN OFFICE

may be served by delivery of a copy of the Summons and Complaint to its last known address, 898 Ridgeview Drive, Pensacola, Florida 32514.

3.

The Defendants negligently caused the tractor trailer to roll over causing a chemical spill which contaminated the Plaintiff.

4.

The Plaintiffs were without fault in causing the aforementioned incident.

5.

As the direct and proximate result of the Defendants' negligence, the Plaintiff has suffered personal injuries and will continue to suffer personal injuries in the future, including bodily injury, pain and mental suffering.

6.

As the direct and proximate result of the Defendants' negligence, the Plaintiff has incurred medical expenses, in an amount to be proven at trial, for the treatment of injuries caused solely and proximately by the Defendants.

7.

As the direct and proximate result of the Defendants' negligence, the Plaintiff will incur future medical expenses, in an amount to be proven at trial, for the treatment of the injuries caused solely and proximately by the Defendants.

8.

As the direct and proximate result of the Defendants' negligence, the Plaintiff was unable to work, and incurred lost wages in an amount to be proven at trial.

9.

The Plaintiff suffered other general and/or consequential damages as the direct and proximate result of the Defendants' negligence.

WHEREFORE, the Plaintiff prays:

1. That the Defendants be served with summons, process and a copy of this Complaint for Damages as provided by law;
2. That the Plaintiff obtain judgment against Defendants for all special, general, consequential, and punitive damages as determined at trial as well as cost of litigation and expenses.
3. That the Plaintiff be granted a trial by jury as to all triable issues in this cause;
4. For such other and further relief as this Court deems just and equitable under all circumstances alleged and contained herein.

Respectfully submitted, this 31st day of October, 2005



W. Charles Day, Jr.
Attorney for Plaintiff
Alabama Bar No.: Day 007

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